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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,358	12/03/2003	James N. Ray	00147/B	8995

7590 06/24/2005

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,358

Applicant(s)

RAY, JAMES N.

Examiner

Brenda A. Lamb

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004 and 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlgren 3,801,360 in view of Bongrand et al 1,986,319.

Dahlgren teaches an apparatus for treating cellulose materials with fluid or coating material which is comprised of a work tank 11 for holding coating in a predetermined concentration, a pump in selective fluid communication with the work tank for drawing the coating from the work tank, a pressure vessel 10 for accommodating the cellulose material, the pressure vessel being in communication with the work tank through the pump as depicted in Dahlgren's figure to enable the fluid to return to the work tank in response to the pump. Dahlgren fails to teach means for selectively replenished mixed coating to the pressure vessel. However, it would have been obvious to modify Dahlgren apparatus by providing a means for selectively replenishing the returned coating with more of the coating using an auxiliary filling vat which includes a valve h and conduit between the auxiliary filling vat and work tank and the combination of the auxiliary filling with valve and conduit acting as means to selectively fill the work tank which in turn supplies a pressure chamber since it is old in the art of coating to do so as shown by Bongrand et al for the obvious advantage of providing means to replenish consumed coating material—greater control of the coating process. With respect to claim 11, Dahlgren teaches a vacuum pump 25 in fluid

communication with the pressure vessel to selectively draw a vacuum within the pressure vessel. With respect to claim 12, Dahlgren teaches a discharge pump or vacuum pump 25 for selectively withdrawing the coating from the pressure vessel and returning the coating to the work tank.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlgren 3,801,360 in view of Bongrand et al 1,986,319 and Vinden et al.

Dahlgren and Bongrand et al are applied for the reasons noted above. Dahlgren fails to teach a heater for heating the coating or the fluid and preservative in the work tank. However, it would have been obvious to modify the Dahlgren apparatus by providing an in tank heater for heating the coating or preservative in the work tank such as taught by Vinden et al for the obvious advantage of greater control of the process (Vinden et al column 10 lines 4-9).

Applicant's arguments filed 12/30/2004 and 2/22/2005 have been fully considered but they are not persuasive.

Applicant's argument's that Bongrand et al fails to teach means for selectively replenishing the depleted fluid in the work tank is found to be non-persuasive. Bongrand et al teaches valve h enables to one to selectively re-fill the work tank using fluid from the filling vat I with the combination of the filling vat I and valve h with conduit there between acting as a means for selectively replenishing the work tank.

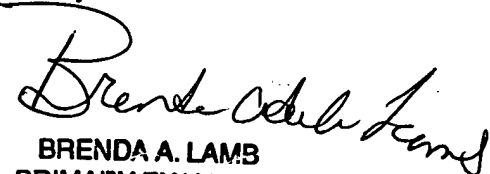
Applicant's argument of the non-obviousness of combining Dahlgren and Bongrand et al is found to be non-persuasive. Contrary to Applicant's remarks regarding the alleged use of "hindsight" in combining references and an alleged lack of suggestion

in the prior art for the instantly applied combination of references. It is not necessary that the claimed invention be expressly suggested in any one or all of the references to justify combining their teachings; rather the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Therefore, it would have been obvious to modify Dahlgren apparatus by providing a means for selectively replenishing the returned coating with more of the coating using an auxiliary filling vat with valve h in conduit leading to the work tank allows one to selectively refill a work tank which supplies a pressure chamber since it is old in the art of coating to do so as shown by Bongrand et al for the obvious advantage of providing means to selectively replenish consumed coating material in the work tank—greater control of the coating process.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.


BRENDA A. LAMB
PRIMARY EXAMINER